

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suede G. Kelly.

Midwest Independent Transmission  
System Operator, Inc.

Docket No. ER04-446-002

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued November 26, 2004)

1. On September 14, 2004, Michigan Electric Transmission Company, LLC, (METC) filed a partial offer of settlement in the captioned proceeding. The settlement agreement resolves all issues with regard to the Settling Parties'<sup>1</sup> respective responsibilities for Commission annual charges under Midwest Independent Transmission System Operator, Inc.'s (MISO) Schedule 10 FERC-METC, which was accepted, subject to refund, by Commission order dated March 19, 2004. *Midwest Independent Transmission System Operator, Inc.*, 106 FERC ¶ 61,256 (2004). The proposed Settlement Agreement does not resolve annual charge responsibility issues with respect to non-Settling Parties and, accordingly, does not effect a termination of the Docket No. ER04-446-000.

2. On September 21, 2004, comments supporting the proposed settlement were filed by Commission Trial Staff. On September 22, 2004, Consumers Energy Company informed the Commission that it would file no initial comments on the proposed settlement. No reply comments were filed. On October 20, 2004, the administrative law judge certified the offer to the Commission as an uncontested offer of partial settlement.

3. The proposed settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.

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<sup>1</sup> The Settling Parties consist of METC, Michigan Public Power Agency, Michigan South Central Power Agency, and Wolverine Power Supply Cooperative, Inc.

